

**REMARKS**

Reconsideration and allowance of the claims in the application are requested.

Claims 2-4, 6, 8-11, 14-23, 25-29, 31-33, and 36-44 are pending in the application.

Claims 36 and 43 have been rejected under 35 USC 103 (a) as unpatentable over USP 6,282,489 to K Bellesfield et al, issued August 28, 2001, filed May 28, 1993 (Bellesfield) in view of USP 6,577,311 to M. Crosby et al, issued June 10, 2003, filed November 28, 2000 (Crosby).

Claims 2-4, 8-11, 14-17, 20-23, 25, 28-29, 40-42 and 44 have been rejected under 35 USC 103 (a) as unpatentable over USP 6,462,778 to P. Abram, issued October 8, 2002, filed February 26, 1999 (Abram) in view of Crosby, of record.

Claims 6, 19 and 27 have been rejected under 35 USC 103 (a) as unpatentable over Abram, of record in view of Crosby, of record and in further view of USP 6,292,228 to Y. Cho, issued September 18, 2001, filed May 6, 1999 (Cho).

Claims 18 and 26 have been rejected under 35 USC 103 (a) as unpatentable over Abram, of record in view of Crosby of record and in further view of Bellesfield, of record.

Claims 31-33 have been rejected under 35 USC 103 (a) as unpatentable over Bellesfield, of record in view of Crosby, of record and in further view of Murphy, of record.

Claims 37-39 have been rejected under 35 USC 103 (as unpatentable over Bellesfield, of record in view of Crosby, of record and in further view of Tobin, of record.

Claims 6, 8, 19, 27, 36, 40, 42, 43, 44 have been amended to further define the invention and overcome the cited art.

Before responding to the rejections, applicants would like to distinguish Bellesfield, Crosby, Abram and Chou from the present invention (Stern), applicants having previously distinguished Murphy and Tobin, both of record from Stern, as follows;

**1. Bellesfield**

Bellesfield discloses an automated travel planning apparatus includes three separate databases, including a map database for storing bit-mapped images covering numerous geographic regions, a routing database for storing node, link, and shape data for roads geographically located within the geographic regions and for storing place data indicating the geographic location of places such as towns and cities, and a places of interest database containing the geographic locations of numerous places of interest. A processor within the automated travel planning apparatus may be divided into several functional components, including a map selection component, a routing component, and a place selection component. In response to user input at the user interface, the map selection component chooses a bit-mapped image from the map database for display on the display monitor. After a user selects, via the user interface, a departure point and a destination point, the routing component employs the routing database to generate and display a route between the selected departure and destination points. If the user requests a list of places near the displayed route, the place selection component employs the places of interest database to generate and display a list of places of interest which are within a predetermined distance of the generated route. Bellesfield fails to disclose limitations of Stern, as follows:

**A. Bellesfield accesses images of map data at geographical coordinates, and fails to disclose accessing images of physical locations at geographical coordinates, in lieu of taking a picture.**

Bellesfield at column 4, line 55 through column 5, line 15, discloses accessing PREVIEW images which are counterparts to vector maps prepared from geographical information provided by the US Census Bureau. In contrast, Stern discloses a user visiting a physical location obtains a representative image from a remote database in lieu of taking a picture. Page 11, lines 7 -8. Bellesfield fails to disclose accessing location images from a network, in lieu of taking a picture, based on the geographical coordinates of the location.

**B. Bellesfield discloses providing geographical coordinates to a travel planning apparatus for map images, and fails to disclose providing geographical coordinates to a network for location images, in lieu of taking a picture.**

Bellesfield at column 4, lines 55 -65 discloses obtaining map images, and at column 5, lines 10-15; column 9, lines 3-8, creating a routing database from bit-mapped images of the maps in a map data base in a travel planning apparatus. In contrast, Stern discloses a user of device 24 at a location, in lieu of taking a picture, transmits GPS coordinates thereof to the server as an image request. The server returns at least one image to the laptop. Page 11, lines 13 – 17. Bellesfield fails to disclose providing geographical coordinates to a network for obtaining location images, in lieu of taking a picture.

**2. Crosby**

Crosby discloses a method of providing a recipient of a low-resolution digital image a way to automatically obtain a high-resolution rendering of the digital image. In a distributed system having a first node coupled to a second node, a composited digital image at a selected resolution is outputted at a first node. At a second node, the composited digital image at a first resolution is generated and the composited digital image is then converted to a second resolution. The converted composited digital image is then transferred to the first node where the selected resolution is determined. If the selected resolution is the first resolution then the composited digital image is fetched and the composited digital image is then output at the first resolution. If, however, it is determined that the selected resolution is the second resolution, then the composited digital image is output at the second resolution. Crosby fails to disclose limitations of Stern, as follows:

**A. Crosby discloses generating an image at the client station and fails to disclose obtaining a location image from a network, in lieu of taking a picture.**

Crosby, at column 19, lines 47-63, discloses a user creates an intelligent “e-card” in a suitably arranged appliance, such as for example, a digital imaging set-top device. Once saved, the user can email the image to the receiver. In contrast, Stern discloses a user of device 24 at a location, in lieu of taking a picture, transmits GPS coordinates thereof to the server as an image request. The server (network) returns at least one image to the laptop. The user composes and transmits an email to recipients with the image associated with location at which the email was created. Page 11, lines 13 – 19. Crosby fails to disclose incorporating a location image from a network for incorporation into and sending an email where the email was created.

**B. Crosby discloses storing digital images and edits lists in a network for subsequent processing in a digital imaging device and fails to disclose storing descriptive texts of a digital image for subsequent processing in the network.**

Crosby, at column 15, lines 39-43 column 16, lines 36-41 and column 17, lines 58-65, discloses storing digital images in a network for processing in a digital imaging device. In contrast, Stern at page 8, line 22 continuing to page 9, lines 1 – 3 discloses a server memory in a network storing text descriptions related to geographical coordinates. The user can select among several stored descriptions. Crosby fails to disclose storing text descriptions in a network memory for access by a user using geographical coordinates related to the descriptions.

**C. Crosby discloses a network of computers processing digital images provided by a digital imaging device and fails to disclose a network correlating digital images with geographical location and descriptive text associated with related digital images.**

Crosby at column 14, lines 46-59 and column 20, lines 65 continuing to column 21, line 28 discloses a computer network for processing digital images according to edit lists, which are a sequence of image operations or image transforms that are to be applied to an image. The resultant image is the result of applying the specified edit list applied to the digital negative at some specified resolution. In contrast, Stern, at page 8, Lines 7, lines 7 – 10, discloses a network server correlates stored descriptive information with the location information and/or environmental sensed information for download to the PC terminal. The user accesses the server for display and/or editing of the image. At the user's direction, the PC prints out the image as a picture including the recorded location, environmental and descriptive information on the front,

back or near the picture. Crosby fails to disclose the network correlating image, location and descriptive text.

### **3. Abram**

Abram discloses labeling digital image data generated by digital imaging devices, such as digital cameras and camcorders, with descriptive information. A menu of descriptive terms is displayed to the user of the digital imaging device. The user chooses one or more of the descriptive terms and the user's choices are associated with the digital image data. The descriptive terms may be used, for example, to generate a file name or may be later displayed with the digital image. The digital imaging device accepts audio input such as, for example, the user speaking descriptive labels into a microphone. Using speech processing techniques, descriptive terms are extracted from the audio input and associated with the digital image data. The digital imaging device accepts information from a location determination device, such as a GPS system. The location information may be used to determine alphanumeric location labels that can then be associated with the digital image data. Abram fails to disclose limitations of Stern, as follows:

**A. Abram discloses processing image files in the camera or at a computer, and fails to disclose communicating the recorded image to a network for editing under user control.**

Abram, at column 5, lines 5-24, discloses a digital audio file may also be processed, for example, using voice recognition software, either in the digital camera or in any computer that is subsequently processing the image file. In contrast, Stern discloses the camera control logic correlates the location coordinates and environmental information with the contents of the image.

The contents of the memory are communicated through an external communication link to the network for processing. Page 5, lines 4-9. Abram fails to disclose an external communication link for transferring the image, geographical and environmental information to a network for editing under user control.

**B. Abram discloses processing image and digitized audio data in a digital imaging device or computer, and fails to disclose storing image, geographical information and descriptive text in a digital imaging device for communication to a network for editing.**

Abram, at column 4, line 59 continuing to column 5, line 29, discloses a user creates an image data file including digitized audio for processing the file in the digital imaging device or a computer. In contrast, Stern, at page 8, line 19 continuing to page 9, lines 1 – 4, discloses the user can select among several stored descriptions associated with the picture along with the location coordinates and environmental information for editing. Abram fails to disclose communicating image, location and descriptive text to a network for editing under user control.

**3. Cho**

Cho discloses automatically adjusting an image condition in a display. The image condition of a display is optimized according to individual preferences by taking into account the brightness and color temperature set initially by a user. A photo sensor detects the environmental illumination and a micro processor utilizing the detected data appropriately adjusts the image condition with respect to a user {character pullout} preference. Cho fails to disclose limitations of Stern, as follows:

**A. Cho discloses automatically adjusting image conditions in a display allowing an optimal image condition regardless of varied environmental luminance conditions of the display and fails to disclose sensing environmental condition related to an image for recording in a medium.**

Cho, at column 2, lines 42-63 and column 7, lines 58-61, discloses a color sensing unit sensing a color signal of an environmental luminance around a display; a recognition unit processing the color signal of the environmental luminance sensed by the color signal of an environmental luminance around the display. In contrast, Stern, at page 6, lines 7 – 20, discloses an environmental sensor senses environmental conditions, e.g. temperature, pressure, humidity related to a picture and the location coordinates. Cho fails to disclose sensing environmental conditions at a location related to an image for recording in a medium.

Summarizing, Bellesfield, Crosby, Abram, Chou, Murphy and Tobin, alone or in combination, fails to disclose or suggest to worker skilled in art a digital camera which records images, determines geographical coordinates and environmental conditions associated with the image; communicates with and transmits over a network to a server the recorded image, location and environmental information, the server correlating the stored descriptive text with the image, location and/or environmental sensed information for download to a terminal for display and editing of the image and related information by a user.

Moreover, the combination of Bellesfield and Crosby would require more than the exercise of ordinary skill to adapt a travel planning apparatus of Bellesfield to a messaging system of Crosby in implementing the present invention. Bellesfield does not provide a “live” image but an image from a database. Likewise, the combination of Abram and Crosby would



require more than exercise of ordinary skill in adapting the digital imaging device of Abram to the network of Crosby in implementing the present invention. Neither Abram nor Crosby disclose a network server correlating images, location information with descriptive text. Cho, Murphy and Tobin do not supply the missing elements in the different combinations of Bellesfield, Abram and Crosby, for reasons indicated hereinafter. Lastly, the Examiner has failed to show or suggest a reasonable expectation of success for the cited combinations of art, as required by MPEP 2143.02.

Now turning to the rejection, applicants respond to the indicated Paragraphs, as follows:

**REGARDING PARAGRAPHS 1 & 2:**

The Examiner's comments are noted.

**REGARDING PARAGRAPH 3 & 4:**

Claims 36 and 43 include limitations not disclosed in Bellsfield or Crosby, alone or in combination, as follows:

a. Claims 36 & 43:

(i) “generating electronic messages at a terminal where the terminal is a laptop or a personal digital assistant or other computer device and linked to a network by a wired or wireless connection;”

The Examiner acknowledges Bellsfield fails to disclose the limitation (i). Crosby fails to supply the missing element in Bellsfield. Crosby, at col. 19, lines 47-63, discloses a

digital image set top device incorporates an image in a post card for transmission to a receiver.

In contrast, Stern discloses a laptop or a personal digital assistant or other computer device generates an electronic message including an image. A post card is not an electronic message.

Moreover, the Bellesfield image is a map image not a live image. Bellesfield and Crosby fail to disclose an electronic device generating an electronic message including an image.

(ii) “means for accessing location images, in lieu of taking a picture, stored in the network according to the geographical location coordinates;”

Bellesfield, at col. 4, line 55 through col. 5, line 15, discloses images of maps created from geographic information data generated by the U.S. Census Bureau and not images of locations taken by a digital imaging device and stored in a network. Bellesfield fails to disclose accessing location images stored in the network according to geographical coordination coordinates.

(iii) “means for providing the geographical location coordinates to the network and obtaining location images from the network according to the geographical location coordinates;”

Bellesfield, at col. 5, lines 10-15 and col. 9, lines 3-8, discloses creating a routing database based on the geographical information data. In contrast, Stern discloses obtaining location images stored in the network based upon geographical location coordinates. Bellesfield fails to disclose obtaining location images from the network based upon geographical location coordinates of the image.

(iv) “incorporating in an electronic message at least one of the images obtained from the network”

Crosby, at col. 19, lines 47-63, discloses incorporating an image in a postcard and not in an electronic message. The post card is not electronically generated in the set top box. Crosby fails to disclose incorporating in an electronic message an image obtained from the network.

Claims 36 and 43 contain limitations not disclosed in Bellesfield, in view of Crosby, for reasons indicated above. Moreover, modifying Bellesfield to substitute a digital imaging device for a stored map database and transmitting over a network an electronic message including an image would require more than the exercise of ordinary skill, particularly when neither reference discloses storing images in a network. Lastly, the Examiner has not demonstrated any likelihood of success in implementing the claimed invention based on the cited references. Without such disclosure in Bellesfield and Crosby, there is no basis for a worker skilled in the art to implement claims 36 and 43. Withdrawal of the rejection under 35 USC 103(a) based upon Bellesfield, in view of Crosby and allowance of claims 36 and 43 are requested.

**REGARDING PARAGRAPH 5:**

Claims 2-4, 8-11, 14-17, 20-23, 25, 28-29, 40-42 and 44, include limitations not disclosed in Abram, in view of Crosby, as follows:

a. Claim 40:

(i) “means for communicating the recorded image with or without related geographical location and descriptive text to a network for subsequent processing using network protocols;”

Abram, at col. 5, lines 5-24, discloses processing a digital audio file using a computer. Applicants can find no disclosure in Abram relating to transporting a digital image file to a network for further processing.

(ii) “a server in the network for storing descriptive text of objects of interest;”

Crosby, at col. 15, lines 39-43; col. 16, lines 36-41 and col. 17, lines 58-65, discloses a digital image processing engine as a part of a set top box and an edit list stored remotely on a network. The edit list processes images and does not include descriptive text. Crosby does not disclose storing descriptive text in a network server.

(iii) “means for communicating with and accessing the server for correlating and recording the digital image with geographical location of descriptive text associated stored in the server with the object of interest in a medium.”

Crosby, at col. 14, lines 46-59 and col. 20, lines 65 through col. 21, line 28, discloses a digital imaging device, including an image and processing engine coupled to a server by way of the network. The server edits the image. In contrast, Stern disclose a network server correlates and records event digital image with geographical location and descriptive text stored in the server and associated with the image for incorporation in a medium.

Summarizing, Abram and Crosby, fail to disclose or suggest (a) a server and network storing descriptive text, and (b) correlating images received from an imaging device with geographic location and descriptive text associated with the image. Moreover, modifying Abram to include means for communicating with and accessing a network server for correlating an image with geographical location and descriptive text stored in the server, would require more than ordinary skill. Neither reference discloses storing descriptive text in a network server for correlation with an image based upon location information. Further, the Examiner has failed to show the likelihood of success in combining the imaging device of Abram with the network of Crosby storing descriptive of an image. Withdrawal of the rejection under 35 USC 103(a) and allowance of claim 40 are requested.

b. Claim 41:

(i) “storing descriptive text of a plurality of objects of interest related to the digital image at a geographical location in a remote processing system or workstation;”

Abram, at column 1, lines 61-64 and column 2, lines 1-4, discloses a digital camera which stores descriptive text. Abram does not disclose storing descriptive text in a remote processing station.

(ii) “selecting and associating the descriptive text with the digital image in the workstation;”

Abram, at col. 1, lines 61-64; col. 4, lines 61-63, discloses associating the descriptive text with the digital image in the image device. In contrast, Stern, associates the descriptive text with the digital image in the work station.

(iii) “printing the digital image with the geographical location and descriptive text associated with the object of interest in the medium at the workstation.”

Abram, at col. 2, lines 44-48, discloses a digital image device that labels descriptive text on an image displayed in the device. Abram fails to disclose including location information and descriptive text on a digital image printed from a workstation, as described in the specification at pg. 10, line 14-20.

Summarizing, claim 41 includes limitations relating to (a) storing a plurality of descriptive texts and geographic location information in a remote processing station; (b) selecting and associating the descriptive text with the digital image in the workstation and (c) printing the digital image with the geographical location information at the workstation. Moreover, the combination of the digital image device in Abram with the network of Crosby to implement claim 41, would require more than ordinary skill for the reasons discussed in connection with the consideration of claim 40.

Without the disclosure of limitations (i), (ii) and (iii), discussed above, in Abram and Crosby, there is no basis for a worker skilled in the art to implement claim 41. The rejection of claim 41 under 35 USC 103(a) based upon Abram and Crosby is without support. Withdrawal of the rejection and allowance of claim 41 are requested.

c. Claim 42:

Claim 42 is the program product version of claim 41 and overcomes the rejection based on Abram and Crosby for the same reasons indicated in connection with the consideration of claim 41.

d. Claim 44:

(i) “means for communicating with and accessing the server for programmatically correlating and recording the digital image with geographic location, environmental conditions and descriptive text associated with the object of interest in a medium under user control.”

Abram discloses adding descriptive text to an image in an imaging device. Crosby discloses processing digital images in a workstation without descriptive text. Cho discloses sensing environmental conditions of a video display. The cited references, alone or in combination, fail to disclose (a) a server in a network storing descriptive text of objects of interest; (b) communicating to a server geographical location and environmental conditions of a recorded image at the geographical location; and (c) a user communicating with the server for programmatically correlating and recording a digital image with geographical location, environmental conditions and descriptive text for an object of interest.

Without a disclosure of items (a), (b) and (c) in Abram, Crosby and Cho, there is no basis for a worker skilled in the art to implement claim 44. Withdrawal of the rejection of claim 44 under 35 USC 103(a), based upon Abram, Crosby and Cho and allowance thereof are requested.

d. Claim 2:

Abram discloses correlating location information with an image in an imaging device, but fails to disclose correlating location and environmental information with an image.

Cho does not supply the missing element in Abram. Cho senses the environmental conditions of a display and not a geographic location of an imaging device.

Withdrawal of the rejection and allowance of claim 2 are requested. In any case, claim 2 depends upon claim 40 and is patentable on the same basis thereof.

e. Claim 3:

Claim 3 depends upon claim 40 and is patentable on the same basis.

f. Claim 4:

Abram stores the location information in the imaging device. Crosby processes digital images in a remote computer. Abram and Crosby fail to disclose a network interface including a database responsive to a user for selecting descriptive text to include in a digital image. Neither Abram nor Crosby disclose storing descriptive text of images in a network for selection and recording in a digital image by a user.

Withdrawal of the rejection and allowance of claim 4 are requested.

g. Claim 8:

Abram stores descriptive text of images in an imaging device. Crosby processes images in a remote computer. There is no teaching in Abram and Crosby for providing a network with the geographic location and environmental conditions of an object of interest for processing and recording in a medium by the network.

Withdrawal of the rejection and allowance of claim 8 are requested.



h. Claim 9:

Crosby discloses a computer connected to a network for processing images from an energy source. There is no disclosure in Crosby for obtaining, displaying, recording geographical location and descriptive text in a medium.

Withdrawal of the rejection and allowance of claim 9 are requested.

i. Claim 10:

Claim 10 is patentable on the same basis as claim 40 from which it depends.

j. Claim 11:

Claim 11 is patentable on the same basis as claim 40 from which it depends.

k. Claim 14:

Claim 14 is patentable on the same basis as claim 41 from which it depends.

l. Claim 15:

Claim 15 is patentable on the same basis as claim 41 from which it depends.

m. Claim 16:

Claim 16 is patentable on the same basis as claim 41 from which it depends.

n. Claim 17:

Claim 17 is patentable on the same basis as claim 41 from which it depends.

o. Claim 20:

Abram stores images and descriptive text in an image recording device. Crosby processes images that are without descriptive text. Neither Abram nor Crosby disclose providing a network with image, geographical location and environmental conditions for processing and recording in a medium by the network.

Withdrawal of the rejection and allowance of claim 20 are requested.

p. Claim 21:

Crosby processes thumbnail images without descriptive text or geographic locations, and fails to describe or suggest the claimed limitation.

Withdrawal of the rejection and allowance of claim 21 are requested.

q. Claim 22:

Abram discloses incorporating geographical information in a digital imaging device. Abram fails to disclose or suggest communicating the digital images to a remote location. Crosby discloses processing a thumbnail image in a remote computer. Crosby fails to disclose or suggest software for processing digital images with descriptive text. Abram and Crosby fail to disclose or suggest the claimed limitation.

Withdrawal of the rejection and allowance and allowance of claim 22 are requested.

r. Claim 23:

Abram fails to disclose transmitting digital images to remote location. Crosby discloses editing digital images at remote locations. There is no disclosure suggestion in Crosby for editing digital images, including geographical location and descriptive text at remote locations. Abram and Crosby fail to disclose or suggest the claimed limitation.

Withdrawal of the rejection and allowance of claim 23 are requested.

s. Claim 25:

Claim 25 is patentable on the same basis as claim 42 from which it depends.

t. Claim 28:

Claim 28 is patentable on the same basis as claim 42 from which it depends..

u. Claim 29:

Abram discloses incorporating digital text in an imaging device. Crosby discloses processing images at a remote location. There is no disclosure or suggestion in Abram or Crosby relating to transmitting digital images with descriptive text to a remote computer. Crosby fails to disclose processing images at a remote location and incorporating descriptive text stored in the remote computer. Abram and Crosby fail to disclose or suggest the claimed limitation.

Withdrawal of the rejection and allowance of claim 29 are requested.

**REGARDING PARAGRAPH 6:**a. Claims 6, 19 & 27:

Cho, at col. 2, lines 8-34, discloses a color signal sensing unit sensing the environmental luminous condition surrounding the display and not the environmental conditions outside the display. Cho, at col. 2, lines 42-63 and col. 7, lines 58-61, discloses determining the execution of an automatic adjustment mode of a video display in which the brightness, contrast and color temperature of an image are adjusted automatically, according to a color sensing unit. Cho fails to disclose sensing environmental conditions, for example, temperature, pressure, humidity external to a camera, as described in the specification at pg. 6, lines 18-20. Cho fails to supply the missing element in Abram and Crosby related to sensing, collecting and storing environmental conditions at a geographical location for recording in a medium.

Withdrawal of the rejection and allowance of claims 6, 19 and 27 are requested.

**REGARDING PARAGRAPH 7:**a. Claims 18 & 26:

Bellesfield does not supply the missing element in Abram. Bellesfield, at col. 4, lines 11-25; col. 4, line 55 through col. 5, line 15; and col. 9, lines 3-8, discloses acquiring a bitmap image from a geographical database and correlating a route with a bitmap image so that the route can be displayed over the bitmap image at a correct position. Bellesfield, combines the bitmap images of an image database with a routing database to generate a travel planning map. Bellesfield does not disclose accessing a digital image of an object of interest, including

descriptive text at a geographical location. An image taken from a mapping base, will not disclose or suggest a digital image with descriptive text at a geographical location.

Withdrawal of the rejection and allowance of claims 18 and 26 are requested.

**REGARDING PARAGRAPH 8:**

a. Claim 31:

Murphy fails to supply the missing element in Bellesfield. Murphy, at col. 10, lines 37-40, discloses a digital playback unit including a display device having a first image displaying an image provided by a digital recording device and a second image showing a map upon which icons are located corresponding to the geographical locations of the images in the first display. The geographical coordinates in Murphy define the location of the images in the first display and not the location of a terminal creating an electronic message. Bellesfield, Crosby and Murphy fail to disclose or suggest the claimed limitation. Withdrawal of the rejection and allowance of claim 31 are requested.

b. Claim 32:

Murphy, at col. 11, line 66 through col. 12, line 12, discloses a recording unit and a playback unit are connected by means of a download connection. Image data, audio data and geo-address position data are downloaded into the playback unit as a multi-media data file. The user can view the selected image and listen to the selected audio data by activating hyperlinks from the recording unit to the playback unit. Neither Bellesfield nor Murphy disclose electronic messaging or describe the creation of an electronic message. Bellesfield, Crosby and Murphy fail

to disclose or suggest the claimed limitation Withdrawal of the rejection and allowance of claim 32 are requested.

c. Claim 33:

Murphy, at col. 10, lines 37-40, discloses the locations of icons in a map screen corresponding to geographical locations of images in a display screen at the time the image was recorded in a recording unit. Neither Bellesfield nor Murphy relate to electronic messaging. Bellesfield, Crosby and Murphy fail to disclose or suggest the claimed limitation.

Withdrawal of the rejection and allowance of claim 33 are requested.

**REGARDING PARAGRAPH 9:**

a. Claim 37:

Tobin, at col. 7, lines 55-67, discloses a website page, accessible via a hyperlink from a home page website. An image map in the website page includes hyperlinks, which provides jumps to the website. Bellesfield does not disclose electronic messaging. Tobin discloses accessing a website for images, but does not disclose, suggest or teach incorporating images in electronic messages for advertising purposes. Bellesfield, Crosby and Tobin fail to disclose or suggest the claimed limitation.

Withdrawal of the rejection and allowance of claim 37 are requested.

b. Claim 38:

Tobin, in Figure 3, discloses offering products from images available on a website and does not disclose, suggest or teach incorporating images in electronic message in a prioritized manner, based on the amount of payment associated with each image incorporated in the electronic message. Bellesfield, Crosby and Tobin fail to disclose or suggest the claimed limitation.

Withdrawal of the rejection and allowance of claim 38 are requested.

c. Claim 39:

Tobin, at col. 13, lines 24-31, discloses an order page on a website that includes a customization area, not seen directly by the user, but manifested in placing incentives, discounts for orders. When the order page is filled, the custom discount pricing is transmitted to the order confirmation page. Tobin does not disclose suggest or teach the sender of electronic message to include an advertising image in the electronic message. Neither Tobin nor Bellesfield disclose, suggest or teach electronic messages, including advertising images, whereby, the sender is provided an incentive to include the advertising message in the electronic message.

Withdrawal of the rejection and allowance of claim 39 are requested.

Summarizing, the cited art, alone or in combination, for the reasons indicated in connection with foregoing consideration of claims 2-4,6, 8-11,14-23, 25-29,31-33, and 36-44 fails to disclose, suggest or teach a camera device, system method which:

- (a) captures and stores digital images and environmental conditions for a camera at a geographical location;
- (b) stores descriptive text of the geographical location in the imaging device or at a server in a network;
- (c) communicates with the server via communication unit in the camera device to transmit the images, environmental conditions and geographical location data to the server;
- (d) correlates the images with descriptive text stored in the camera or server based upon the geographical location of the camera device;
- (e) accesses the server via the communication unit by a user to select descriptive text stored at the server based on geographical information for incorporation with environmental conditions into an image; or
- (f) downloads the server information to a work station enabling a user to combine the location information descriptive text and environment conditions in an image; or
- (g) incorporates an image in an electronic message taken at a location with descriptive text and environmental condition as an advertisement for payment and providing incentives to include the an advertising image in the electronic message.



**CONCLUSION:**

Having amended claims 6, 8, 19, 27, 36, 42, 43, 44 to further define the invention with respect to the cited art, and distinguished the claims pending in the application, applicants request entry of the amendment, allowance of the pending claims and passage to issue of the application.

**AUTHORIZATION:**

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 50-0510, Order No. YOR9-2000-0301 (1963-7393).

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 3, 2004

By: Joseph C. Redmond, Jr.  
Joseph C. Redmond, Jr.  
Registration No. 18,753  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053